

MARK STEGER SMITH  
Assistant U.S. Attorney  
U.S. Attorney's Office  
2601 2<sup>nd</sup> Ave. North, Suite 3200  
Billings, MT 59101  
Phone: (406) 247-4667  
FAX: (406) 657-6058  
Email: [mark.smith3@usdoj.gov](mailto:mark.smith3@usdoj.gov)

JOHN M. NEWMAN  
Assistant U.S. Attorney  
U.S. Attorney's Office  
P.O. Box 8329  
Missoula, MT 59807  
101 E. Front St., Suite 401  
Missoula, MT 59802  
Phone: (406) 829-3336  
FAX: (406) 542-1476  
Email: [john.newman@usdoj.gov](mailto:john.newman@usdoj.gov)

ATTORNEYS FOR DEFENDANT  
UNITED STATES OF AMERICA

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
HELENA DIVISION

COUNTY OF POWELL, a political subdivision of the State of Montana,  Plaintiff,  vs.  UNITED STATES OF AMERICA, <sup>1</sup>  Defendant.	CV 22-21-H-SEH  UNITED STATES' SECOND SUPPLEMENT TO ITS INITIAL DISCLOSURE STATEMENT
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The United States of America, by and through its counsel of record, makes  
and serves this second supplement to its initial disclosure statement pursuant to  
Rule 26(e) of the Federal Rules of Civil Procedure.

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<sup>1</sup> The caption is amended to reflect the proper party in interest. Fed. R. Civ. P. 21; *Sawtooth Mountain Ranch LLC v. United States*, 2020 WL 184576 (D. Idaho Jan. 13, 2020) (citing *Block v. North Dakota ex rel. Bd. of Univ. & Sch. Lands*, 461 U.S. 273, 286 (1983)).

- (A) The name and, if known, the address and telephone number of each individual likely to have discoverable information that the disclosing party may use to support its claims or defenses, unless solely for impeachment, identifying the subjects of the information:

1. Jacqueline Lavelle, Superintendent, Grant-Kohrs Ranch National Historic Site (“GRKO”) (currently on detail)  
c/o AUSA Smith and AUSA Newman  
U.S. Attorney’s Office  
2601 2<sup>nd</sup> Ave. North, Suite 3200  
Billings, MT 59101  
(406) 247-4667

Superintendent Lavelle has been the primary National Park Service (“NPS”) point of contact for communications to and from Plaintiff regarding its claim to the road. Ms. Lavelle has knowledge of, and information relating to, GRKO’s history and management of the site by NPS. Further, Ms. Lavelle has participated on behalf of NPS/GRKO in discussions with Plaintiff regarding the Old Yellowstone Trail (“OYT”) project, negotiation of the Cooperative Management Agreement (“CMA”), and other matters involving the disputed road.

2. Jason Smith, Natural Resource Program Manager, GRKO  
c/o AUSA Smith and AUSA Newman  
U.S. Attorney’s Office  
2601 2<sup>nd</sup> Ave. North, Suite 3200  
Billings, MT 59101  
(406) 247-4667

Mr. Smith has knowledge of Plaintiff’s OYT project and has been working with county personnel and the Army Corps of Engineers regarding permitting questions for the OYT. Mr. Smith is familiar with the locations of the obliterated road and the West Side Road and has participated in meetings involving GRKO and Powell County staff and commissioners regarding the road dispute.

3. Julie Croglia, Chief of Interpretation and Education, GRKO  
c/o AUSA Smith and AUSA Newman

U.S. Attorney's Office  
2601 2<sup>nd</sup> Ave. North, Suite 3200  
Billings, MT 59101  
(406) 247-4667

Ms. Croglia is familiar with the locations of the obliterated road and the West Side Road and has participated in meetings involving GRKO and Powell County staff and commissioners regarding the road dispute. Ms. Croglia also sits on the Powell County Parks Board, in her individual capacity as a private citizen, and not in conjunction with her role at GRKO.

4. Andrea Hannon, NPS GAOA Contract Expediter, Livingston, MT  
c/o AUSA Smith and AUSA Newman  
U.S. Attorney's Office  
2601 2<sup>nd</sup> Ave. North, Suite 3200  
Billings, MT 59101  
(406) 247-4667

Ms. Hannon is familiar with the locations of the obliterated road and the West Side Road and has participated in meetings involving GRKO and Powell County staff and commissioners regarding the road dispute.

5. Shawn Connors, Acting Superintendent, GRKO  
c/o AUSA Smith and AUSA Newman  
U.S. Attorney's Office  
2601 2<sup>nd</sup> Ave. North, Suite 3200  
Billings, MT 59101  
(406) 247-4667

Mr. Connors is the Acting Superintendent of GRKO and is familiar with administration of the site, history, boundaries, and use patterns.

6. Donald (Alan) Stewart, Facility Manager, GRKO  
c/o AUSA Smith and AUSA Newman  
U.S. Attorney's Office  
2601 2<sup>nd</sup> Ave. North, Suite 3200  
Billings, MT 59101  
(406) 247-4667

Mr. Stewart is the Facility Manager of GRKO and has knowledge of the use, access, and control of the road in dispute.

7. William (Willie) King, Preservation Maintenance Mechanic, GRKO  
c/o AUSA Smith and AUSA Newman  
U.S. Attorney's Office  
2601 2<sup>nd</sup> Ave. North, Suite 3200  
Billings, MT 59101  
(406) 247-4667

Mr. King is the Preservation Maintenance Mechanic of GRKO and has knowledge of the use, access, and control of the road in dispute.

8. Patricia (Tricia) Miller, Museum Curator, GRKO  
c/o AUSA Smith and AUSA Newman  
U.S. Attorney's Office  
2601 2<sup>nd</sup> Ave. North, Suite 3200  
Billings, MT 59101  
(406) 247-4667

Ms. Miller is the Museum Curator of GRKO and is familiar with the origination, composition, and content of the historic records of the Grant-Kohrs Ranch and has knowledge of GRKO's work to preserve and catalog these records.

9. Kathleen Hanson, Realty Specialist, NPS Intermountain Region  
c/o AUSA Smith and AUSA Newman  
U.S. Attorney's Office  
2601 2<sup>nd</sup> Ave. North, Suite 3200  
Billings, MT 59101  
(406) 247-4667

Ms. Hanson is the Realty Specialist for the Intermountain Region of NPS, which includes GRKO. She is familiar with the realty records relating to the acquisition of the Grant-Kohrs Ranch by NPS.

10. Lyndel Mickle, former Park Ranger, GRKO (now retired)

c/o AUSA Smith and AUSA Newman  
U.S. Attorney's Office  
2601 2<sup>nd</sup> Ave. North, Suite 3200  
Billings, MT 59101  
(406) 247-4667

Ms. Mickle is a former employee and former resident of GRKO and has knowledge of the history of the ranch and is familiar with the locations of the obliterated road and the West Side Road.

11. Ole Berg, former ranch hand, Grant-Kohrs Ranch  
(406) 491-3290

Mr. Berg worked on the ranch prior to its acquisition by the National Park Service and was a close associate of the former owner of the ranch, Conrad Warren. Mr. Berg is familiar with the locations of the obliterated road and the West Side Road and the access, use, and control of the West Side Road.

12. The United States may rely on any other individual identified by the Plaintiff during the course of litigation, or identified by third parties during depositions or discovery, to support its claims or defenses.

**FIRST SUPPLEMENT (November 23, 2022):**

13. Laura Rotegard, Former Superintendent, GRKO (retired)  
c/o AUSA Smith and AUSA Newman  
U.S. Attorney's Office  
2601 2<sup>nd</sup> Ave. North, Suite 3200  
Billings, MT 59101  
(406) 247-4667

Ms. Rotegard is a former superintendent of GRKO. She is familiar with administration of the site, and its history, boundaries, and use patterns.

14. Darlene Koontz, Former Superintendent, GRKO (retired)  
c/o AUSA Smith and AUSA Newman  
U.S. Attorney's Office  
2601 2<sup>nd</sup> Ave. North, Suite 3200  
Billings, MT 59101  
(406) 247-4667

Ms. Koontz is a former superintendent of GRKO. She is familiar with administration of the site, and its history, boundaries, and use patterns.

15. Christine Ford, Former Employee, GRKO (retired)  
c/o AUSA Smith and AUSA Newman  
U.S. Attorney's Office  
2601 2<sup>nd</sup> Ave. North, Suite 3200  
Billings, MT 59101  
(406) 247-4667

Ms. Koontz is a former seasonal and permanent employee of GRKO. She is familiar with administration of the site, and its history, boundaries, and use patterns.

16. The following individuals are current or former County of Powell, City of Deer Lodge, or State of Montana employees who may have information related to discussions between NPS and the County concerning the West Side Road:

- a. Ralph E. Mannix, Jr., Powell County Commissioner
- b. Ron Hanson, Former Powell County Planner
- c. Cele Pohle, Former Powell County Commissioner
- d. Dwight O-Hara, Former Powell County Commissioner
- e. Donna Young, Former Powell County Commissioner
- f. Mary Ann Fraley, Former Mayor of Deer Lodge
- g. Renee Meyers, possibly with the Montana DNRC or Powell County

- (B) A copy of, or a description by category and location of, all documents, data compilations, and tangible things that are in the possession, custody, or

control of the party and that the disclosing party may use to support its claims or defense, unless solely for impeachment;

1. Historic land records including field notes, maps, patents, surveys, and tract books. Currently in the possession of the Bureau of Land Management's General Land Office.
2. GRKO administrative records related to the administration and control of the GRKO historic site and land use records. Currently in the possession of the National Park Service and NARA Federal Records Centers.
3. Road maintenance records, including Road Inventory Report (RIP) records regarding status of the roads within NPS's road inventory, Facility Management Software System (FMSS) reporting on road upkeep and maintenance, and road work records. Currently in the possession of the National Park Service.
4. Realty and acquisition files including deed assembly and realty case files. Currently in the possession of the Intermountain Regional Office of National Park Service and NARA Federal Records Centers.
5. Historic files and documents, including correspondence to and from former operators and owners of the Grant-Kohrs Ranch, management records of the Grant-Kohrs Ranch, and area maps compiled by former operators and owners of the Grant-Kohrs Ranch. Currently in the possession of the National Park Service, GRKO Museum Collection.
6. Correspondence, interviews, and foundation documents. Currently in the possession of the National Park Service and National Park Service, GRKO Museum Collection.

**FIRST SUPPLEMENT (November 23, 2022): With this supplement, the United States is producing bates-numbered documents pertaining to the following categories:**

1. Lands (USA\_00001-02385)
2. Realty (USA\_02386-02973, USA\_03532-03549)
3. Maps (USA\_02974-03016, USA\_03550-03554)
4. Road Maintenance (USA\_03017-03105)
5. Land Use (USA\_03106-03406)
6. Newspaper Articles (USA\_03407-03414)
7. Law Enforcement (USA\_03415-03448)
8. NARA Patent Files (USA\_03449-03531)
9. Misc. (USA\_03555-03737)
10. Permits Using West Side Rd. (USA\_03738-03804)

**SECOND SUPPLEMENT (December 15, 2022): With this supplement, the United States is producing bates-numbered documents pertaining to the following categories:**

1. GRKO Administration (USA\_00241-02385<sup>2</sup>; USA\_03805-03837)
2. Realty (USA\_03838-03852)
3. Misc. (USA\_03853-03921)

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<sup>2</sup> Documents bates-numbered USA\_00241-02385 were incorrectly produced in the United States' First Supplement under the Lands category. The United States is not producing these documents again, but rather correcting the category with this second supplemental disclosure.



- (C) A computation of any category of damages claimed by the disclosing party, making available for inspection and copying as under Rule 34 the documents or other evidentiary material, not privileged or protected from disclosure, on which such computation is based, including materials bearing on the nature and extent of injuries suffered.

Not applicable.

- (D) For inspection and copying as under Rule 34 any insurance agreement under which any person carrying on an insurance business may be liable to satisfy part or all of a judgment which may be entered in the action or to indemnify or reimburse for payments made to satisfy the judgment.

Not applicable.

DATED this 15<sup>th</sup> day of December, 2022.

JESSE A. LASLOVICH  
United States Attorney

/s/ John M. Newman  
JOHN M. NEWMAN  
MARK STEGER SMITH  
Assistant U.S. Attorneys  
Attorneys for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on the 15<sup>th</sup> day of December, 2022, a copy of the foregoing document was served on the following person by the following means.

1, 2 CM/ECF  
       Hand Delivery  
  2   U.S. Mail  
       USAfx  
       E-Mail

1. Clerk of Court

2. Gregory G. Schultz  
Jeffrey R. Kuchell  
CROWLEY FLECK PLLP  
305 South 4<sup>th</sup> Street East, Suite 100  
P.O. Box 7099  
Missoula, Montana 59807-7099  
(406) 523-3600 – phone  
[gschultz@crowleyfleck.com](mailto:gschultz@crowleyfleck.com)  
[jkuchel@crowleyfleck.com](mailto:jkuchel@crowleyfleck.com)  
*Attorneys for Plaintiff*

/s/ John M. Newman  
Assistant U.S. Attorney  
Attorney for Defendant